

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

(1) CAROLYN HOLMES,
Plaintiff(s)

vs.

Case Number: 12-CV-225-CVE-PJC

(1) SOUTHWESTERN REGIONAL
MEDICAL CENTER, INC.,
Defendant(s)

JOINT STATUS REPORT

Jury Demanded: ☒ Yes ☐ No

I. Summary of Claims:

This is an action for wrongful termination in violation of the Americans With Disabilities Act, and for failure of the Defendant to grant Plaintiff leave under the Family Medical Leave Act.

A. Claims to be Dismissed:

Plaintiff's claims should be dismissed because the parties entered into a settlement agreement on July 14, 2011, wherein Plaintiff released all claims she may have against Defendant in exchange for valuable consideration.

II. Summary of Defenses:

Enforcement of settlement agreement between the parties.

A. Defenses to be Abandoned: None

III. Motions Pending (Include Docket Number, Description and Date at Issue):

Dkt # 18, Defendant's Motion to Enforce Settlement Agreement, at issue since June 27, 2012.

IV. Stipulations:

A. Jurisdiction Admitted: ☒ Yes ☐ No (If no, explain.)

B. Venue Appropriate: ☒ Yes ☐ No (If no, explain.)

C. Facts: None

D. Law: None

V. Proposed Deadlines:

- A. Parties to be added by: August 2, 2012
- B. Proposed discovery cutoff date (4 months of discovery unless extended by the court for good cause):
November 2, 2012
- C. Fact witness lists to be exchanged by: September 4, 2012
- D. Proposed Date for Expert Reports by Plaintiff and Defendant: October 15, 2012

VI. Fed. R. Civ. P. 26(f) Discovery Plan

- A. Should any changes be made to the timing, form or requirements for disclosures under Rule 26(a)? ☐ Yes ☒ No
If yes, please explain:
- B. When were or will initial disclosures under Rule 26(a)(1) be made? July 17, 2012
Note that pursuant to Rule 26(a)(1), initial disclosures must be made within 14 days after you confer for the purpose of preparing this discovery plan. All parties are under an affirmative duty to (i) comply with the mandatory disclosure requirements, and (ii) notify the Court of any non-disclosure so that the issue can be promptly referred to a Magistrate Judge for resolution. Failure of any party to disclose information, or failure of any party to bring disclosure issues to the Court's attention in a timely manner, may result in sanctions, including prohibiting the use of that information at trial, pursuant to Rule 37(c)(1).
- C. Should discovery be conducted in phases and/or should discovery be limited at this time to particular subject matters or issues? ☐ Yes ☒ No
- D. Should any changes be made in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the Court's local rules? ☐ Yes ☒ No
If yes, please explain:
- E. Proposed Number of fact and expert depositions:
1. To be allowed for Plaintiff? 10 fact, 2 expert
 2. To be allowed for Defendant? 10 fact, 2 expert
- F. Is there a need for any other special discovery management orders by the Court?
☐ Yes ☒ No
If yes, please explain:
- G. The parties are directed to Guidelines for Discovery of Electronically Stored Information on the public website at www.oknd.uscourts.gov for advise on the production of electronic information.

VII. Are Dispositive Motions Anticipated? ☒ Yes ☐ No If yes, describe them.
Defendant has filed a Motion to Enforce Settlement Agreement. If that Motion is not granted, Defendant anticipates filing a Motion for Summary Judgment.

VIII. Do All Parties Consent to Trial before the Assigned Magistrate Judge? ☐ Yes ☒ No

If yes, please email a proposed Trial Consent to the Clerk via the designated mailbox at CM-ECFIntake_OKND@oknd.uscourts.gov and indicate the month and year in which trial by the Magistrate Judge is Requested. Please do not file proposed documents as an attachment to a document. (Refer to section XIV of the CM/ECF Administrative Guide of Policies and Procedures for further instruction regarding proposed documents.)

- IX. Is there any matter that should be referred to the assigned Magistrate Judge for final disposition upon partial consent of all the parties pursuant to Local Rule 73.1? ☐ Yes ☒ No

If yes, please email a completed, proposed Partial Consent form to the Clerk via the designated mailbox at CM-ECFIntake_OKND@oknd.uscourts.gov. Please do not file proposed documents as an attachment to a document. (Refer to section XIV of the CM/ECF Administrative Guide of Policies and Procedures for further instruction regarding proposed documents.)

- X. Settlement Plan (Check one)

☒ Settlement Conference Requested after: August 2, 2012

Describe settlement judge expertise required, if any:

☐ Private Mediation Scheduled in (date): _____

☐ Other ADR
(Explain)

☐ ADR is not appropriate in this case
(Explain)

Has a copy of the Court's ADR booklet been provided to clients as required?

Plaintiffs: ☒ Yes ☐ No

Defendants: ☒ Yes ☐ No

- XII. Does this case warrant special case management? ☐ Yes ☒ No

If yes, explain why.

- XIII. Do the parties request that the Court hold a scheduling conference? ☐ Yes ☒ No

If a conference is not requested, or ordered by the Court, the Court will, after receiving this report, issue a scheduling order based on the information contained in this report.

- XIV. Estimated trial time: 3-4 days

Read and Approved by: (Add additional lines or pages as needed)

Attorney for Plaintiff /s/ Jeff Nix*
Address: 406 S. Boulder, Suite 400
Tulsa, OK 74103
(918) 587-3193
jeff.nix@morelaw.com

Attorney for Defendant /s/ W. Kirk Turner
Address: Newton, O'Connor, Turner & Ketchum
15 West Sixth Street, Suite 2700
Tulsa, OK 74119-5423
(918) 587-0101
kturmer@newtonoconnor.com

**Signed by Filing Attorney, with permission of Plaintiff's attorney.*